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*Attorneys for Defendant
Michael Richard Lynch*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RICHARD LYNCH and
STEPHEN KEITH CHAMBERLAIN,

Defendants.

Case No.: 3:18-cr-00577-CRB

Judge: Hon. Charles Breyer

**[PROPOSED] ORDER GRANTING
DEFENDANT MICHAEL RICHARD
LYNCH'S MOTION FOR ISSUANCE OF
SUBPOENAS PURSUANT TO FEDERAL
RULE OF CRIMINAL PROCEDURE 17(c)**

Date: November 29, 2023
Time: 1:30pm
Court: Courtroom 6 – 17th Floor
Date Filed: November 14, 2023
Trial Date: March 18, 2024

[PROPOSED] ORDER

Good cause having been shown, the Court GRANTS Defendant Michael Richard Lynch's Motion for Issuance of Subpoenas to Hewlett Packard, PricewaterhouseCoopers, Deloitte LLP, and Ernst & Young, pursuant to Federal Rule of Criminal Procedure 17(c).

The Court HEREBY DIRECTS the Clerk of the Court to issue the subpoenas attached to this order and to transmit signed copies of those subpoenas to counsel for Defendant Michael Richard Lynch.

DATED: _____

Honorable Charles R. Breyer
United States District Court Judge
Northern District of California

EXHIBIT 1

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUBPOENA TO PRODUCE
DOCUMENTS OR OBJECTS
IN A CRIMINAL CASE

Case No.: 3:18-cr-577-CRB

Michael Richard Lynch and Stephen
Keith Chamberlain.

+

Defendant(s).

TO: Hewlett Packard ("HP")

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE

<input checked="" type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612
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COURTROOM/JUDGE

6/Breyer

DATE AND TIME

1/2/2024 09:00

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment 1.

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website:

cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Christopher J. Morvillo; Clifford Chance US LLP; 31 West 52nd Street, New York, NY 10019-6131; (212) 878-3437; christopher.morvillo@cliffordchance.com

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ DATE _____ SIGNATURE OF SERVER _____</p> <p style="text-align: right;">ADDRESS: _____</p>		
ADDITIONAL INFORMATION		

Attachment 1

All records and communications between October 1, 2011 and January 31, 2014 relating to

- i. The write-down of Autonomy, including but not limited to:
 - a. HP's communications with public relations consultants, PWC, Deloitte, EY and the SEC about the write-down;
 - b. the basis for the allegation that more than \$5 billion of the write-down was attributable to "serious accounting improprieties, misrepresentation[s] and disclosure failures";
 - c. the quantification of each component of the write-down; and
 - d. EY's disagreement with language in the write-down announcement and in HP's 2012 annual report attributing the majority of the write-down to fraud.
- ii. The restatement of Autonomy Systems Limited's ("ASL") 2010 accounts and the filing of ASL's 2011 accounts, including but not limited to:
 - a. Christopher Yelland's communications with PWC and Morgan Lewis regarding the restatement and/or the internal investigation by Morgan Lewis and PWC;
 - b. Yelland's communications with EY regarding the restatement; and
 - c. EY's disclaimer of opinion on the restatement.
- iii. Deloitte's audit work for Autonomy, including but not limited to:
 - a. the termination of Deloitte as Autonomy's external auditor;
 - b. Deloitte's work on the FY 2011 statutory accounts of ASL, reflecting disagreements between Deloitte and Autonomy or HP regarding the accounting treatment of certain items and the possibility Deloitte would give a qualified audit opinion; and
 - c. Deloitte's communications with Yelland or other HP employees regarding the restatement.
- iv. EY's post-closing review of Autonomy's 2011 accounts, including but not limited to:
 - a. EY's review of Deloitte's work papers;
 - b. EY's communications with Deloitte; and
 - c. the review and preparation of ASL's 2011 accounts.
- v. The integration of Autonomy into HP, including but not limited to:
 - a. the planned combination of Autonomy and Vertica;
 - b. the pricing of Autonomy products;
 - c. the incentivization of HP employees to sell products that competed with Autonomy's products;
 - d. Autonomy's orders of HP hardware for external customers; and
 - e. the retention and attrition of Autonomy employees.

EXHIBIT 2

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUBPOENA TO PRODUCE
DOCUMENTS OR OBJECTS
IN A CRIMINAL CASE

Case No.: 3:18-cr-577-CRB

Michael Richard Lynch and Stephen
Keith Chamberlain.

+

Defendant(s).

TO: PricewaterhouseCoopers ("PWC")

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE

<input checked="" type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612
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COURTROOM/JUDGE

6/Breyer

DATE AND TIME

1/2/2024 09:00

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment 1.

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case* or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website:

cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Christopher J. Morvillo; Clifford Chance US LLP; 31 West 52nd Street, New York, NY 10019-6131; (212) 878-3437; christopher.morvillo@cliffordchance.com

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ DATE _____ SIGNATURE OF SERVER _____</p> <p style="text-align: right;">ADDRESS: _____</p>		
ADDITIONAL INFORMATION		

Attachment 1

All records and communications between May 1, 2012 and January 31, 2014 relating to

- i. HP's write-down of Autonomy in November 2012, including but not limited to:
 - a. efforts to quantify the amount of the write-down attributable to “serious accounting improprieties, misrepresentation[s] and disclosure failures”; and
 - b. the alleged “intense internal investigation” and “forensic review” prior to the write-down.
- ii. The restatement of Autonomy Systems Limited’s (“ASL”) 2010 accounts and the filing of ASL's 2011 accounts, including but not limited to:
 - a. communications with EY, Christopher Yelland, and other HP employees regarding the restatement; and
 - b. communications with HP employees regarding pre-acquisition Autonomy transactions.

EXHIBIT 3

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Michael Richard Lynch and Stephen
Keith Chamberlain.

Defendant(s).

SUBPOENA TO PRODUCE
DOCUMENTS OR OBJECTS
IN A CRIMINAL CASE

Case No.: 3:18-cr-577-CRB

TO: Deloitte LLP ("Deloitte")

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE				COURTROOM/JUDGE
<input checked="" type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612	6/Breyer
				DATE AND TIME 1/2/2024 09:00

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment 1.

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Christopher J. Morvillo; Clifford Chance US LLP; 31 West 52nd Street, New York, NY 10019-6131; (212) 878-3437; christopher.morvillo@cliffordchance.com

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE

RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS:

ADDITIONAL INFORMATION

Attachment 1

All records and communications between October 1, 2011 and December 30, 2012 relating to:

- i. Deloitte's review of Autonomy Systems Limited's ("ASL") FY 2011 accounts, including any disagreements between Deloitte and Autonomy or HP regarding the accounting treatment of certain items and the possibility Deloitte would give a qualified audit opinion;
- ii. the restatement of ASL's 2010 accounts; and
- iii. Deloitte's termination by HP as Autonomy's external auditor.

EXHIBIT 4

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Michael Richard Lynch and Stephen
Keith Chamberlain.

Defendant(s).

SUBPOENA TO PRODUCE
DOCUMENTS OR OBJECTS
IN A CRIMINAL CASE

Case No.: 3:18-cr-577-CRB

TO: Ernst & Young ("EY")

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE				COURTROOM/JUDGE
<input checked="" type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612	6/Breyer
				DATE AND TIME 1/2/2024 09:00

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment 1.

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Christopher J. Morvillo; Clifford Chance US LLP; 31 West 52nd Street, New York, NY 10019-6131; (212) 878-3437; christopher.morvillo@cliffordchance.com

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ DATE _____ SIGNATURE OF SERVER _____</p> <p style="text-align: right;">ADDRESS: _____</p>		
ADDITIONAL INFORMATION		

Attachment 1

All records and communications between October 1, 2011 and January 31, 2014 relating to:

- i. the write-down of Autonomy, including but not limited to communications with the SEC regarding the write-down;
- ii. the review and preparation of Autonomy Systems Limited's ("ASL") 2011 accounts;
- iii. the restatement of ASL's 2010 accounts, including but not limited to communications with HP and/or Autonomy employees regarding historical transactions; and
- iv. the post-closing review of Autonomy's 2011 accounts, including but not limited to EY's review of Deloitte's workpapers and EY's communications with Deloitte.